

Introduced by Senator Ackerman

February 15, 2005

An act to add Section 206.5 to the Code of Civil Procedure, relating to jurors.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as introduced, Ackerman. Jurors: payment.

Existing law authorizes the defendant in a criminal case, his or her attorney or representative, the prosecutor, or his or her representative, to discuss the jury deliberation or verdict with a juror, following the discharge of the jury, provided that the juror consents to the discussion and that the discussion takes place at a reasonable time and place.

This bill would make it a misdemeanor for any party to a civil or criminal proceeding, or a person acting on behalf of that party, to make any payment of money or give anything of value to any person who served as a juror in that proceeding in connection with that person's service as a juror, except as specified. It would also be a misdemeanor for a juror to accept any payment of money or anything of value in connection with his or her service as a juror from any party to the proceeding or a person acting on behalf of that party, except as specified. This bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of

service which require reimbursement pursuant to these constitutional and statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 206.5 is added to the Code of Civil
2 Procedure, to read:

3 206.5. (a) After the conclusion of any civil or criminal
4 proceeding that was tried to a jury, both of the following shall
5 apply:

6 (1) No party to the proceeding or person acting on behalf of
7 that party shall make any payment of money or give anything of
8 value to any person who served as a juror in that proceeding in
9 connection with that person's service as a juror.

10 (2) No person who served as a juror in that proceeding shall
11 accept any payment of money or anything of value in connection
12 with that person's service as a juror from any party to the
13 proceeding or a person acting on behalf of that party.

14 (b) Notwithstanding subdivision (a), if a person who served as
15 a juror in any civil or criminal proceeding is subsequently called
16 as a witness in an action to collaterally attack the verdict in that
17 proceeding on the basis of juror misconduct, the person may
18 receive a witness fee in the same manner as any other witness in
19 the action.

20 (c) Any violation of subdivision (a) is a misdemeanor.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the
26 penalty for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition of a
28 crime within the meaning of Section 6 of Article XIII B of the
29 California Constitution.